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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/631,942

07/30/2003

Lichen Wang

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04/04/2008

MACPHERSON KWOK CHEN & HEID LLP

2033 GATEWAY PLACE

SUITE 400

SAN JOSE, CA 95110

EXAMINER

DANG, HUNG Q

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

04/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/631,942	Applicant(s) WANG ET AL.	
	Examiner HUNG Q. DANG	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/19/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 65-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 65-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to application's amendment dated 2/20/2008. The amendments of claims 1, 65; and the cancellation of claims 30-49 have been entered.

Response to Arguments

2. Applicant's arguments filed 12/19/2007 have been fully considered but they are not persuasive.

The applicant mainly argues that the applied prior arts teach that the first byte of the transmitted data includes **variable** data depending on whether said transmitted data is from the keyboard or from the track-ball, and thus, the applied prior arts do not teach that the first data segment for each transmission is a **common hexadecimal constant**. The examiner disagrees with the applicant. The first data segment (Byte 1) disclosed by Lee is indeed a constant with respect to each transmission of each device (the wireless keyboard and the track-ball each has its own ID constant). Therefore, the first data segment (Byte 1) is indeed an ID **constant** representing each device.

Furthermore, one of ordinary skill in the art would recognize that if more than one device involved in data transmission, then clearly, an ID constant would be assigned to each device for identification purpose. Therefore, if only ONE device is involved in data transmission (like in the case of claim 1), then clearly, the ID (first data segment) would be constant.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 and 65-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee U.S. Patent 6,556,187 in view of Kuo U.S. Patent 6,760,773.

Regarding claim 1, Lee discloses a wireless data transmission method, comprising:

- providing a first data segment (Figure 5, "Byte 1" is the first data segment);
- Verifying that the first data segment for each transmission is a common constant that indicates transmission code is being sent (column 3, lines 36-60; as explained above, the constant in this case is the ID of each device, with respect to each transmission);
- Providing a variable second data segment that indicates making a key or breaking a key (column 3, lines 62-65; Byte 2 is the second data segment; "key pressed" = key making; "key released" = key breaking);
- Providing a third data segment to indicate a context code (paragraph bridging columns 3-4); and
- Providing a fourth data segment as an error check of the second and third data segments (column 4, lines 7-10).

However, Lee does not teach said constant being a hexadecimal (**FF for claims 2 and 65**).

Kuo, in the same field of endeavor, teaches a wireless data transmission method for transmitting make codes and break codes from a keyboard, wherein said codes are represented by hexadecimal codes (column 2, lines 37-46). Even though, Kuo does not specifically disclose that the **first data segment** is a hexadecimal **FF**, however, the specification of this application does not disclose the criticality as to why the data segment has to be hexadecimal **FF** (any hexadecimal representation would be functionally equivalent as "FF"). Therefore, it would have been obvious to one skilled practitioner to derive such hexadecimal code (FF) (or any other hexadecimal code) to represent the first data segment disclosed by Lee in view of Kuo.

Regarding claims 3 and 66, the second data segment disclosed by Lee also indicates the releasing of a single pressed key (column 3, lines 62-65).

Regarding claims 8 and 71, Lee teaches the method of claim 8 with a checksum algorithm. However, Lee does not specifically teach a "**cyclic redundancy**" checksum algorithm. The examiner takes official notice that cyclic redundancy checksum algorithm has been commonly used in data communication systems for solving transmission errors. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide cyclic redundancy checksum algorithm to the wireless data transmission method disclosed by Lee in order to solve data transmission errors.

Claims 4-7 and 67-70 are rejected for the same reasoning as the rejection of claim 2.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. DANG whose telephone number is (571)272-3069. The examiner can normally be reached on 9:30AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571) 272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2612

/Albert K Wong/
Primary Examiner, Art Unit 2612

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	10/631,942	WANG ET AL.	
	Examiner	Art Unit	
	HUNG Q. DANG	2612	